IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34287 of 2006(F)

AGAINST THE ORDER IN AP 196/2001 IN
EP.4/2005 of III ADDL. DISTRICT COURT, KOLLAM

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PETITIONER:

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1. CHARLES.P., S/O.PONNAN RESIDING AT PALLIVADAKKAATHIL VEEDU, PADINJATTA KIZHAKKU, SOORANADU, KOLLAM 690522

2. B.PHILIP, S/O.BENNY RESIDING AT PLAMTHUDIL VEEDU, PADINJATTA KIZHAKKU, SOORANADU, KOLLAM 690 522.

3. K.P.ANILKUMAR, S/O.PARAMESWARAN PILLAI, KAVIL VEEDU THURUTHIKKARA POST, KUNNATHOOR, KOLLAM 690 540.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:

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1. MAHARASHTRA APEX CORPORATION LTD., MANIPAL 576119, KARNATAKA STATE, REP. BY ITS GPA HOLDER K.GOPALAKRISHNA BHAT

2. THE BRANCH MANAGER, MAHARASHTRA APEX CORPORATION LTD., SHAWINA MANSIONS, CMC NO.977, 1ST FLOOR, NEAR UPASANA HOSPITAL, Q.S.ROAD, KOLLAM 691001

3. B.MURALIDHARA VARAMBALLY, ADVOCATE, IDEAL TOWER, 1ST FLOOR, COURT ROAD, UDUPI 576 101

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 34287 OF 2006

Dated 21st December 2006

JUDGMENT

Petitioners are judgment debtors. This petition is filed under Article 227 of Constitution of India contending that even though Ext.P7 application was filed before executing court, executing court did not consider the same and therefore executing court is to be directed to dispose Ext.P7. Ext.P9, copy of B diary in E.P.4/05 filed by petitioner reveals that on 27/9/2006 executing court passed an order to proceed further, after the stage of Rule 22 notice as judgment debtors did not file an objection. Order of attachment was passed on 19/10/2006. On 1/11/2006 E.A.126/06 (Ext.P7) application was filed raising objections against execution of the award. Ext.P9 shows that case was posted to 2/11/2006 and thereafter to 23/11/2006 and then to 25/11/2006.

2. Grievance of the petitioner is that objections are not being heard. Executing court is

directed to pass appropriate order in E.A.126/06 before proceeding further in the execution petition.

Writ petition is disposed of.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.